

No

The Circuit Court

Worlen D. Clappers  
Dist Atty of the State of Oregon  
Plaintiff

vs

B. S. Hallen and  
Fred Wodine  
Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

RECEIVED  
FEB 11 1908  
COURT HOUSE  
PORTLAND, OREGON

**Record of the Case**

1893

May 18 Petition laid over  
Journal C p 72

July 6 Petition rec Viewers app'd  
Journal C p 94

Sept 5 1st reading Report  
Journal C p 113

Sept 6 ordered opened  
Journal C p 115

195

**WITNESSES.**

Road

Beginning new head of below Lake  
hence in a N Ely direction to to  
Barboo Basin

**DIRECTIONS**—Place papers on **TOP OF RUBBER**  
Fold ends first then sides Throw the rubber cords  
over the ends and package is complete

195

Report of surveyor to the  
 Viewers appointed to review  
 a new County Road from the  
 head of ~~Willow~~<sup>Silver</sup> Lake in Union  
 County Oregon to terminate  
 at Cariboo Basin

The following are the field notes  
 commencing at the head of the  
~~Willow~~<sup>Silver</sup> Lake at a post marked R  
 Thence N 6° E 90<sup>rod</sup> to post marked a 1  
 " N 32° E 1<sup>mi</sup> 20 rods to post " a 2  
 " N 38° E 70 rods " " " a 3  
 " N 70° W 220 " " " " a 4  
 " North 80 " " " " a 5  
 " East 1 mile 240 " " " " a 6  
 " South 80 " " " " a 7  
 " East 240 " " " " a 8  
 " South 160 " " " " a 9  
 S 20° E 1 mile 24 " Tree " " RI and  
 terminating in Cariboo Basin  
 Union Co Oregon

State of Oregon }  
 County of Union } SS

I Eugene Chase  
 do hereby certify that the field notes  
 of the above survey are correct  
 as surveyed by me on the  
 7<sup>th</sup> day of August A.D. 1883  
 Eugene Chase  
 County Surveyor

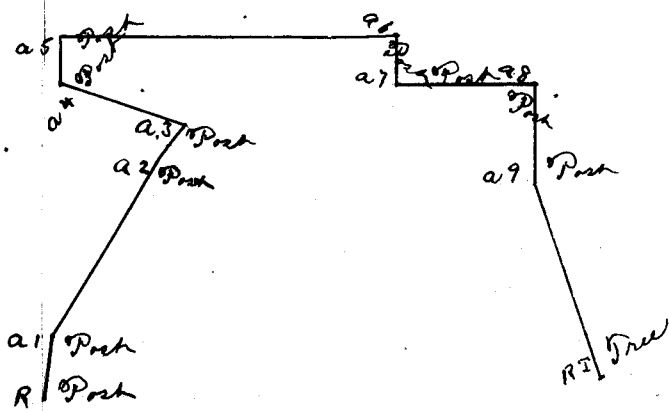
Survey of new County Road  
from the head of ~~Wallowa~~ <sup>Silver</sup> Lake  
to Carriboo Basin in Union  
Co, Oregon

Surveyed Aug 7<sup>th</sup> 1883

Variation 20° East

Scale 1 mile to the inch

Whole distance 5 miles 264 rods



Nov 1st 1853

1st 5/53

20 June 1853

Also Sept 5. 1853

W. G. Wright

Clark

E. J. Clark  
proprietor

To the honorable County Court of Union County State of Oregon

Your petitioners and residents of Prairie Creek Precinct Union County Oregon respectfully represent to your honorable body that the bona fide citizens of Prairie Creek require a certain road herein described be renewed and located and that a road ~~also~~ herein described and specified be vacated to establish the road  
Beginning at or near the head of Silver Lake thence in a north easterly direction to the center of section 15 Town 3 Range 45 thence north eighty (80) rods thence east One and three fourths miles thence south eighty (80) rods and thence east  $\frac{3}{4}$  of a mile on half section line to Range line between Range 45 and 46 thence south  $\frac{1}{2}$  mile on the aforesaid Range line thence southeasterly to Hariboo Basin To vacate the road Beginning (40) rods north of the south west corner of section 18 Town 3 Range 46 thence running east  $\frac{1}{2}$  mile and thence south

Your petitioners would therefore ask that your honors would appoint viewers to view the premises and locate and open such road and make changes prayed for in accordance with the laws in such cases made and provided And as in duty bound your petitioners will ever pray.

Names

Thomas Rouse  
Geo Rogers  
J P Garrison  
J A Gardner  
E J Rouse  
W M Hepburn  
W Beith  
R Beith  
Chas. W. Meek  
J. P. Rankin  
Robert Ray  
J C Tucker  
J P Tucker

Names

Names  
A. L. Swann  
W. D. Hill  
W. C. Gilliland

Petition for a  
County Road

Thomas Wolfe et al

1883

Filed May 16, 1883

W. S. W. Wolfe

Clerk

I hereby Certify after being  
duly sworn that I Thos Roup  
was the bearer of this petition  
and that the Signatures are  
genuine, and that the signers  
are legal petitioners, and aff-  
ixed their names with the  
full knowledge of the contents  
of this petition.

I further Certify that I  
posted 3 notices as the law  
requires one at the Head of  
Silver Lake one at Cariboo  
Basin and one about midway  
between the above named points  
Thomas Roup

Subscribed and sworn to before me  
this 27<sup>th</sup> day of March 1883  
R. D. Hill Justice of the Peace



Filed May 16. 1883

W. S. Wright  
Clerk

To the honorable County Court of Union County Oregon

Your petitioners and residents of Prairie Creek Precinct Union County Oregon respectfully represent to your honorable body that the bona fide citizens of Prairie Creek require a certain herein described be viewed and located and that a certain road also herein described and specified be vacated to wit To establish the road Beginning at or near the head of Silver Lake thence in a north easterly direction to the center of section 15 Town 3 Range 45 thence north eighty (80) rods thence east one and three fourth miles thence south eighty rods and thence east (3/4) of a mile on half section line to Range line between range 45 and 46 thence south 1/2 mile on the aforesaid Range line thence south easterly to Harbor Basin To vacate a road Beginning (40) rods north of the south west corner of section 18 Town 3 Range 46 thence running east 1/2 mile and thence south

Your petitioners would therefore ask that your honors would appoint viewers to view the premises and locate and open such road and make changes prayed for in accordance with the laws in such cases made and provided

And as in duty bound your petitioners will ever pray

James  
 Thomas Rouse  
 Geo Dixie  
 P Gardner  
 G J Gardner  
 G D Rouse  
 W M Hepburn  
 W B Bith  
 R Bith  
 Chas W Meek  
 J W Rankin  
 Elliot Ray  
 J C Tucker  
 J P Tucker

James  
 Antyowan  
 R D Hill  
 H C Lilliland

Posted April 2<sup>nd</sup> 1883  
 Jacob Bloch

State of Oregon }  
County of Union } S.S.

J. Jacob Bloch being duly sworn  
say that I posted the within notice on  
the Court house door in Union  
County Oregon on the second  
day of April a. 1883

Jacob Bloch

Subscribed & sworn before  
me this 16<sup>th</sup> day of  
May a. 1883

W. F. Wright  
Clerk

Proof of Posting

Filed May 16. 1883

W. F. Wright  
Clerk

I Tho<sup>s</sup> Roup being duly sworn  
depose and say that in a matter  
concerning a certain Road beginning  
at or near the head of Silver Lake  
and terminating in Caribo basin  
posted a notice at the head of Silver  
Lake and one notice in Caribo basin  
and one notice ~~near~~ near the middle point  
between each terminus. the above  
mentioned road was one that the  
Honorable County Court of Union  
County. was petitioned to by Tho<sup>s</sup>.  
Roup Geo. Rivers and others on or  
about the 1<sup>st</sup> of April 1883

Thomas Roup  
Subscribed and sworn to before  
me this the 13<sup>~~th~~</sup> day of June 1883  
R. D. Hill  
Justice of the Peace

Filed June 18<sup>th</sup> 1883  
Wm. T. Wright  
Agent  
Special Agent  
deputy

# Know all Men by these Presents:

THAT WE, *Thomas Roup*  
 and *E. J. Roup*, of the County of *Union* and  
 State of Oregon, are held and firmly bound unto the said County of *Union* in the sum of  
*One Hundred* Dollars, the payment of which, well and truly  
 to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this *27<sup>th</sup>* day of *March* A. D. 18*83*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
 for by *Thos Roup* and others, and presented  
 at the *May* term, 18*83*, of the County Court of said *Union* county,  
 commencing at or near the head of Silver Lake thence north  
 eastwardly to the center of section 15 Town 3 Range thence north  
 80 rods thence east  $1\frac{3}{4}$  miles thence south 80 rods thence east  $\frac{3}{4}$   
 a mile thence south  $\frac{1}{2}$  mile thence south easterly to Carbon Bas  
 be located and established, then this obligation to be void; otherwise to remain in full force  
 and virtue in law.

*Thos Roup*  
*E J Roup*

STATE OF OREGON,  
 COUNTY OF *Union* } ss.

I, *Thos Roup* and  
*E J Roup* each for himself says that I am worth the sum  
 of *One* Hundred Dollars over and above all debts and liabilities and property  
 exempt from execution, and that I am a resident and householder in said County and State.

*Thos Roup*  
*E J Roup*

Subscribed and sworn to before me, this *27<sup>th</sup>*  
 day of *March* A. D. 18*83*

*R. D. Hill* Justice of the Peace  
*Hill*

Thomas Rourke & Co

Bank

Filed May 16, 1883

W. S. Mendenhall  
Clerk

To the Union County Court of  
Union County, Oregon  
We the undersigned, viewers  
appointed to view out a new  
County road, commencing at the  
head of ~~Waltham~~<sup>Silver</sup> Lake in Union  
County Oregon, <sup>and terminating at Garibos 13/21/21</sup> Submit the follow-  
ing report in relation thereto:  
We met by appointment on the 3<sup>rd</sup>  
day of August A.D. 1883 and after  
first being duly sworn in company  
with the Surveyor, proceeded to  
view, survey, and lay out said road  
and completing said survey, we  
found the road to be located on  
as good ground as the section of  
country would admit of, and  
taking into consideration the necessity  
that exists for said route we recom-  
mend it to be established as a  
County Road; and would suggest that  
the County Court take into consideration  
that the petitioners expect to open the  
road from the head of the lake to the  
middle of Section 15 Twp. 3 S. R. 45 E at  
their own expense

John Creighton  
Geo. J. Vail

viewers of  
proposed County  
Road



Sept 5 1893  
Wm. G. Wright  
Clerk  
J. J. [unclear]  
~~Secretary~~

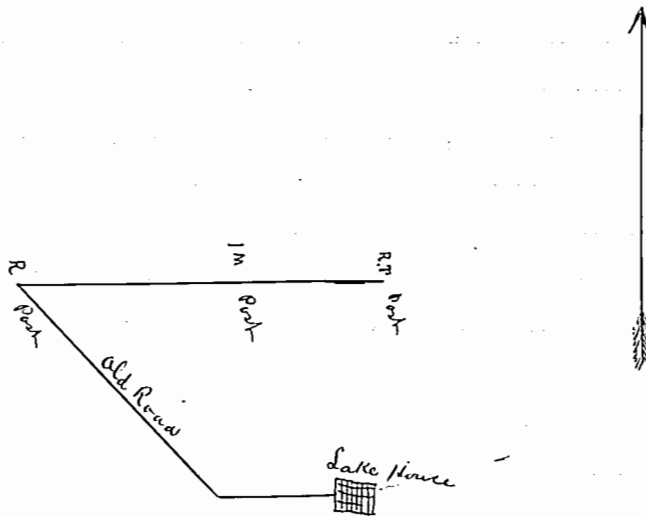
aforesaid now known as the Hendershott Point and  
Jimmerville Road & the vacation of the old portion  
of said Road.

The following are the field notes  
Commencing at the aforesaid Angle post. at post  
marked R thence East 320 Rods to post marked  
1 M thence East 1200 rods to a post marked R.T.  
and intersecting the Hendershott point and Jimmerville  
Road.

State of Oregon }  
County of Union } S.S.

Eugene Chase do hereby Certify this  
is a true copy of the field notes of the above named  
change of Road as surveyed by me on the 6<sup>th</sup>  
day of April A.D. 1883

Eugene Chase  
Geo. Surveyor "



Scale 200 Rods to the inch  
Length of Road 1 Mile 200 Rods  
variation 20° East

In the matter of Road }  
petitioned for by Thos }  
Rorpe and others } 3

In this matter the proper proof of  
posting notices with accompanying the papers  
it is continued for the term —

In the matter of <sup>3</sup>  
 Viewers Report on <sup>3</sup> P. A. Dawson et al  
 proposed County Road <sup>3</sup>

Now at this time is presented to the Court the report of the Viewers on the proposed County Road, petitioned for by P. A. Dawson and others - which Report is read in open Court <sup>for the first time</sup> and laid over for reading a second time at another day of this term -

In the matter of <sup>3</sup>  
 Viewers Report on <sup>3</sup> John Bloom et al  
 proposed County Road <sup>3</sup>

Now at this time is presented to the Court the report of the Viewers on the proposed County Road, petitioned for by John Bloom and others - which Report is read in open Court <sup>for the first time</sup> and laid over for reading a second time at another day of this term -

In the matter of proposed <sup>3</sup>  
 County Road petitioned for <sup>3</sup>  
 by Hoo Roupe and others <sup>3</sup>

On this day came Hoo Roupe who presents to the Court the petition of himself and fifteen others praying for the laying out and location of a New County Road as follows to wit: Beginning at or near the head of Silver Lake, thence in a North Easterly direction to the center of Section 15 Township 3 & Range 45 & 6 thence North Eighty Rods thence East  $1\frac{3}{4}$  of a Mile <sup>thence South 80 Rods, thence East  $\frac{3}{4}$  of a mile</sup> on half section line to Range line between Ranges 45 and 46, thence South  $\frac{1}{2}$  Mile on the afore said Range line thence South Easterly to Carchoo Basin Do. locate a Road Beginning 40 Rods North of the South West corner of Section 10 Township 3 Range 46 & thence running East  $\frac{1}{2}$  Mile on thence South

And it appearing to the Court, from Proof filed herein, that

due Notice of the pendency of this proceeding has been given as by Law required: that more than twelve of said Petitioners are legal householders, residing in the vicinity of said Road, and that a good and sufficient Bond has been filed - It is therefore ordered by the Court that John Brighton, George T. Vail and John McCall be appointed Viewers and Eugene Chase Surveyor in view, Survey and report upon said proposed County Road and that they meet at the House of John McCall on the 16<sup>th</sup> day of July 1883 and duly qualify before entering upon the discharge of their duties in this behalf -

Therefore Court adjourned until tomorrow Morning at 9. O. Clock

First day

September 5. 1883

to the law in such case made and provided, and a good and sufficient bond having been filed herein, as also a receipt from the County Treasurer showing that the amount required therefor has been paid into the County Treasury.

Therefore it is ordered and adjudged that license shall issue to said J. B. Fisher authorizing him to keep and offer for sale in said Island City Precinct Spirituous liquors in less quantities than are granted for the period of six months from the date hereof.

In the matter of the Viewers  
Report on proposed County  
Road petitioned for by Tho:  
Roupe et al in Willow

Now at this time is presented the Viewers and Surveyor's Reports on a proposed County road petitioned for by Thomas Roupe and others and to be located in Willow Valley, the same is now here read for the first time and laid over for a second reading.

In the matter of a proposed  
County Road, petitioned for  
by David A. Middleton, E. T.  
Neville and others.

Now on this day comes E. T. Neville one of the petitioners and presents to the Court the petition of himself and twenty three others praying for the location and establishment of a County Road as follows, to wit:—commencing at the North West corner of Section (32) thirty two Township one south of Range 39 East of the Willamette Meridian thence south to South West corner of section five thence south (160 Rods) one hundred and sixty rods, thence East (80 rods) eighty rods, thence south (320 rods) three hundred and twenty rods, thence West (80 rods) eighty rods to the section line between sections 17 and 18, thence south on the section line terminating where the section line crosses the road leading from Russell School House east to the road leading from Sumnerville to Union County seat of Union County State of Oregon, and that the said road be made



Second Judicial day Thursday Sept: 6th 1883

Court met pursuant to adjournment, present the same officers as on yesterday

Due proclamation of the opening of the Court having been made, the Journal of yesterday's proceedings were read, approved, and are now here signed

A. C. Craig  
County Judge

Thereupon the following proceedings were had to wit:

In the matter of the petition  
for Liquor License by  
Remillard & Gasley }

Now at this time is presented the petition of the Citizens of LeGrande Precinct praying that a license may be granted to Remillard & Gasley authorizing them to keep and offer for sale in said Precinct spirituous liquors in less quantities than one quart for the period of six months, and it appearing to the Court that all due and proper notices of the pendency of these proceedings had been made according to the law in such case made and provided and a good and sufficient bond having been filed herein as also a receipt from the County Treasurer showing that the amount required therefor has been paid into the County Treasury. Therefore it is ordered and adjudged that license shall issue to said Remillard & Gasley authorizing them to keep and offer for sale in said LeGrande Precinct Spirituous liquors in less quantities than one quart for the period of six months from the date hereof

In the matter of County Road  
petitioned for by Tho. Rouse }  
and others in Willow Valley }

Now at this time the Clerks and Surveyors Report on a proposed County Road, petitioned for by Thomas Rouse and others is read a second time, and said report being favorable, and said report

Second day September 6th 1883  
 being read on two different days of this term of Court, and it appearing to the satisfaction of the Court that the proceedings herein have been regular and according to law, and there being no remonstrance or bills of damage filed herein. It is therefore ordered by the Court that said Viewers report and plat of the Surveyor be placed on record, and said road be established as a County road and opened according to law.

"Viewers Report"

To the Hon County Court of Union County, Oregon.  
 We the undersigned Viewers appointed to view out a new County road commencing at the head of Silver Lake in Union County Oregon, and terminating at Cariboo Basin submit the following report in relation thereto. We met by appointment on the 7th day of August A.D. 1883 and after first being duly sworn, in company with the Surveyor, proceeded to view, survey and lay out said road, and completing said survey, we found the road to be located on as good ground as the section of Country would admit of, and taking into consideration the necessity that exists for said route we recommend it to be established as a County road; and would suggest that the County Court take into consideration that the petitioners expect to open the road from the head of the Lake to the middle of section 15 Twp. 3. S. R. 45. E. at their own expense.

(Signed) John Creighton } Viewers of proposed  
 Geo. J. Vail } County road.

Report of Surveyor to the Viewers appointed to review a new County Road from the head of Silver Lake in Union County Oregon to terminate at Cariboo Basin.

The following are the field notes  
 Commencing at the head of the Silver Lake at a post marked R  
 thence N. 6° E. 90 rods to post marked A. 1.  
 " N. 32° E. 1 mile & 20 rods to post " A. 2.  
 " N. 38° E. 70 rods " " A. 3.  
 " N. 70° W. 220 " " " A. 4.  
 " North 80 " " " A. 5.  
 " East 1 mile 240 " " " A. 6.  
 " South 80 " " " A. 7.  
 " East 240 " " " A. 8.

